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(appearing pursuant to L.R. 83.3)
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CENTER FOR BIOLOGICAL DIVERSITY

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

COALITION OF ARIZONA/NEW
MEXICO COUNTIES FOR STABLE
ECONOMIC GROWTH, et al.,

Plaintiffs,

vs.

KENNETH SALAZAR, et al.,

Defendants.

CENTER FOR BIOLOGICAL
DIVERSITY,

Defendant-Intervenor.

Case No. 07-CV-00876-JEC-WPL

**CENTER FOR BIOLOGICAL
DIVERSITY'S RESPONSE TO
FEDERAL DEFENDANTS'
MOTION FOR VOLUNTARY
REMAND; NOTICE OF JOINDER**

CENTER FOR BIOLOGICAL)
DIVERSITY,)
)
Plaintiff,)
)
vs.)
)
KENNETH SALAZAR, et al.,)
)
Defendants.)
)
COALITION OF ARIZONA/NEW)
MEXICO COUNTIES FOR STABLE)
ECONOMIC GROWTH, et al.,)
)
Defendant-Intervenor.)
)
_____)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that Plaintiff and Defendant-Intervenor Center for Biological Diversity (the “Center”) does not oppose Federal Defendants’ Motion for Voluntary Remand of the March 21, 2007 Final Rule designating critical habitat for the spikedace and loach minnow. 72 Fed. Reg. 13356. The Center’s non-opposition is premised on Federal Defendants’ request that the March 21, 2007 Final Rule should not be vacated pending publication of a new critical habitat designation for the spikedace and loach minnow.

In addition, please take notice that, to the extent Federal Defendants contend that vacatur of the March 21, 2007 Final Rule designating critical habitat for the spikedace and loach minnow is inappropriate, the Center hereby joins Federal Defendants’ motion for voluntary remand.

RESPECTFULLY SUBMITTED February 19, 2009

/s/ John Buse
John Buse (CA Bar No. 163156)
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I HEREBY CERTIFY that on the 19th day of February, 2009, I filed the foregoing document electronically through the CM/ECF system, which caused counsel record in this case to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ John Buse

John Buse

Attorney for Plaintiff/Defendant-Intervenor

CENTER FOR BIOLOGICAL DIVERSITY